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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/356,543	07/19/1999	MATTHEW D. BARNHART	VMS98-01 PM	7963

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EXAMINER

RIMELL, SAMUEL G

ART UNIT	PAPER NUMBER
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2175

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DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/356,543

Applicant(s)

BARNHART ET AL.

Examiner

Sam Rimell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9,12-15 and 18-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9,12-15 and 18-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

Preliminary Note: This office action includes a new grounds of rejection based upon prior art that was not previously of record. Accordingly, this office action is made non-final.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 9, 12-15 and 18-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Rensimer et al. (U.S. Patent 6,154,726).

Claim 9: FIG. 1 illustrates a hand held device (130) coupled to a server device (100). Data can be transferred between the hand held device and the server device (col. 3, lines 27-33) via a coupling cable between the two devices (FIG. 1). As seen in FIG. 3A, the hand held device displays a detail of data for a patient. The patient detail data is considered to be a list. The list is considered specific to a physician because it lists only physician on the detail ("Brent Beasley"). The list also displays a patient location in a hospital ("Hospital: HIL"). The data on the list also indicates whether the patient has been seen ("admitted: 1/25/1994"). The display of FIG. 3A further displays demographic data ("DOB: 3/14/1967"). Both FIGS. 3A and 3B display billing information (a diagnosis) since the patient's diagnosis will affect the billing codes which are selected to generate a bill. IN FIG. 3A, the physician enters the patient information and in FIG. 5, the physician enters billing code related information to generate specific billing codes. Col. 17, items number 17 and 18 illustrate pop-up windows that may be presented to the physician. The pop-up windows are flags that different CPT codes may apply to the particular

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medical examination being performed. The physician is forced by the pop-up window to review and select specific guidelines and their associated CPT codes. Once the data is collected, the hand held device (130) can be coupled back to the server (100) to exchange data with the server.

Claim 12: Col. 17, items #17 and #18 illustrate guideline notifications for different billing codes.

Claim 13: The flagging is the action of a pop-up window appearing before the physician. The content of the pop-up windows are the items # 17 and #18 shown in column 17. A pop-up window is considered an alarm.

Claim 14: Col. 17, items #17 and #18 constitute the display of a billing code menu. FIG. 5 illustrates the display of a diagnosis menu.

Claim 15: In col. 17, items #17 and #18, the display of billing code information is associated with specific medical procedures associated with neonatal care. For example, "Initial NICU" is considered a medical procedure involving the assignment of an infant to a neo-natal intensive care unit. Other actions, such as "History, exam, diag" are evaluation actions performed by the physician.

Claim 18: The patient information in FIG. 3A is the display of a single patient detail of information. This is a list comprising a single patient record and is considered sorted because a list having only one entry one the list is considered sorted, no matter what criteria is used.

Claim 19: See remarks for claim 12.

Claim 20: See remarks for claim 13.

Claim 21: See remarks for claim 14.

Claim 22: See remarks for claim 15.

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Claim 23: FIG. 3B illustrates the display of a list of stock phrases for insertion in a report.

Claim 24: See remarks for claims 9 and 18.

Claim 25: See remarks for claim 23.

Claim 26: The hand held device (130) is a memory device. The patient list is shown in FIG. 3A. The list is specific to a single physician ("Brent Beasley"). The list shows patient locations ("Hospital: HIL") and an indication as to whether the patient has been seen ("Admitted: 1/25/94"). The memory device will further display billing code information (diagnoses in FIG. 3B which are used to generate billing codes) and associated guidelines (the pop-up displays shown in items #17 and #18 in col. 17). The display of FIG. 3B is an interface displaying a patient list with a single patient record on the list. The list is considered sorted by reason that only one patient appears on the list, and a list having only one item is considered sorted. The patient information includes demographic information ("DOB: 3/14/1967"), an indication of whether the patient has been seen ("admitted: 11/25/1994"), as well as billing code information (diagnoses in FIG. 3B used to generate billing codes) and guideline information (pop-up windows in col. 17, items #17 and #18). A communications cable (140 in FIG. 1) act as a communications interface between the memory containing hand held processing device (130) and server (100).

Claim 27: See remarks for claim 21.

Claim 28: See remarks for claim 22.

Claim 29: See remarks for claim 23.

Claim 30: See col. 17, items #17 and #18.

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This office action is non-final. Applicant's arguments are moot in view of the new grounds of rejection.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.

A handwritten signature in black ink, appearing to read 'S. Rimell', written in a cursive style.

Sam Rimell  
Primary Examiner  
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